

HEREFORDSHIRE PUBLIC REALM CONTRACT 2020/21

ANNEX 04 – DEVELOPMENT CONTROL & DEVOLVED SERVICES

SERVICE OVERVIEW

SERVICE SUMMARY		
		Output
Capital Activities	Section 106 Design, Supervision and Construction	Provide design and build services for S106 schemes identified from HC programme and confirmed through issue of Service Order.
Revenue Activities	Supervision and Inspection for Section 38 and 278	Following issue of the annual service order, scope of works to be determined on a monthly basis by HC client officer in Development Control Team.
	Design for Section 278, street lighting & any wider third party funded commissions	Individual Service Order raised for each third party funded scheme to include street lighting design, AIPs and Technical Audits, TRO's and larger traffic engineering schemes, village gateways that lie beyond the scope of the Commissioning Model (see Annex 2).
	Highway Development Control Support	Technical support on major and minor planning applications from planning reviews to assessment of modelling and submitted proposals.

Performance Indicators		
	Indicator	Target
OPIs	O11 - Programme Management - Percentage of schemes that commence within 5 days of published date	80%
	OPI 12 Risk Management - Based on the RAG rating for risk where: <ol style="list-style-type: none"> 1. All Red risks must be reviewed monthly 2. All amber risks every 6 weeks 3. All yellow risks every 2 months 	100%
Strategic KPI	Public satisfaction with 'management of road works' – measured through NHT survey - forms part of S15 Customer satisfaction	50%

SERVICE SUMMARY

BBLP will work with HC to ensure that the necessary infrastructure for development in Herefordshire has been predicted, costed and included in the overall Forward Programme for delivery.

The purpose of this service is twofold:

- To enable new developments, while ensuring no detrimental impact on Herefordshire's road network in terms of road safety, access, traffic flow, traffic generation and the environment.
- To enable third parties to commission service directly from BBLP where HC cannot prioritise funding for works within the financial year or forward programme.

The service includes;

- Ensuring that infrastructure is constructed to required standards to allow adoption (S38).
- Securing improvements to the highway network associated with new development (S278/S106) in line with design and build services outlined in Annex 7, including Sustainable Urban Drainage Schemes.
- Supporting third parties to deliver works in line with design and build services outlined in Annex 3.

SERVICE OUTCOMES

OUTCOMES	HOW WILL THE OUTCOME BE ACHIEVED
Improved network asset	Ensure all S278, S38 and S106 works contribute to the improvement of the network considerate of future maintenance requirements
Safer network	Ensure all S278, S38 and S106 design checks guarantee design to standard, enshrining safety on the network.
Contribution to the local economy	Enable new development by provision of design and build services for S106 and S278 works identified in conjunction with the HC Development Control Team.
Sustainable delivery	Promote adoption by developers of active travel measures in S38, S278 and S106 agreements, working with the HC Development Management Team.
Value for money	Ensure schemes are delivered through appropriate cost mechanism to deliver cost effective construction considering future maintenance burdens
Satisfied stakeholders	Engage with relevant stakeholders to outline nature, scope and rationale of any works as appropriate
Engaged communities	Engage with relevant consultees to inform improvement works align with desired outcomes mindful of budget needs and constraints

ASSUMPTIONS

The following assumptions have been made:

- Reasonable time will be provided following issue of a Service Order for BBLP to secure the necessary resources required to enable timely delivery. This is based on the following:
 - Technical Audit – 28 days
 - Lighting Design – 14 days for proposal
 - Site Supervision
 - New site notification – 14 days
 - Commencing of roadworks- 5 days
- A clear brief for works will be provided. Where not possible, a proposal will be developed by BBLP following issue of a Service Order, with works proceeding only once this proposal has been signed off by the commissioning officer.
- BBLP will be commissioned through Service Order where support is required in the development control process of S38, S278 or S106 processes.

THE SERVICE

SERVICE DELIVERY

The service provision under development control and devolved services is a draw down service paid for by Section 38, 106 and 278 contributions made by developers or by 3rd parties. With this in mind, the capital provision has been forecast and resource requirements have been assumed based on the identified lists. The following table sets out the proposed payment mechanism to most efficiently manage the cost of risks associated with service delivery.

SERVICE	PAYMENT MECHANISM
S.278 - Design checks	Cost Reimbursable
S.38 & S278 Street lighting designs	Cost Reimbursable
S.38 / S.278 - Supervision/Inspection of Street Lighting/roadworks/ Inspection of traffic signals	Cost Reimbursable
S.106	Cost reimbursable for scoping and design, lump sum for construction
Traffic Regulation Orders	Ref Annex 9
Structures AIP & supervision	Cost Reimbursable
Devolved Services	Target Cost
Highway Development Control Support	Cost Reimbursable or target Cost as Appropriate to scheme

	SERVICE	RESOURCE	DELIVERY
Reactive	Supervision and Inspection for Section 38 and 278	One full time equivalent appropriately qualified supervisor	All year round
	Design for Section 278, street lighting & any wider third party funded commissions	PM and Design Teams. Delivery on site.	Reactive basis as commissioned
	Highway Development Control Support	Nominated individuals specialising in this field	Reactive basis as commissioned
	Section 106 Schemes	PM and Design Teams. Delivery on site.	Throughout the year

SERVICE SCOPE

SERVICE	SCOPE
Section 38 Agreements	<p>Where a planning application involves a new estate road, developers are required to design them to standards approved by HC. Following the granting of planning permission and before commencing construction on site, developers are required to enter into an agreement and supply a bond covering the full cost of the road construction under Section 38 of The Highways Act 1980.</p> <p>IN SCOPE</p> <ul style="list-style-type: none"> Supervision / inspection of all works included in the adoption agreement such as road works, street lighting, structures etc; Street lighting design; Annual infrastructure cost rate spreadsheet updates <p>NOT IN SCOPE</p> <ul style="list-style-type: none"> Negotiation of agreements with developers
Section 278 Agreements	<p>Where a development requires work to be carried out within the boundaries of the existing highway and HC is satisfied that the works will be of benefit to the public, an agreement will need to be completed between the developer and Herefordshire Council under Section 278 of The Highways Act 1980. These works could incorporate items such as traffic calming, new roundabouts, traffic signals or other junction improvements. Under the provisions of Section 278, the developer can:</p> <ul style="list-style-type: none"> Be appointed as the Authority’s Agent to carry out the works at their own expense in which case the agreement must be supported by a bond. Contribute towards the future maintenance of the completed works with a commuted sum. <p>IN SCOPE</p> <ul style="list-style-type: none"> Provision of design services for works agreed under S278 – see Annex 3 for details of this provision. Highway design, supervision and inspection Street lighting design, supervision and inspection Design checks (from Approval in Principle to Technical Approval) Progression of scheme related TROs (ref. Annex 9) Supervision to provide quality assurance <p>NOT IN SCOPE</p> <ul style="list-style-type: none"> Negotiation of agreements with developers
Section 106 Agreements	<p>Under Section 106 of the Town and Country Planning Act 1990 a developer can enter into a planning agreement to provide financial contributions towards highway works and improvements required as a result of the new development.</p> <p>IN SCOPE</p> <ul style="list-style-type: none"> Provision of design and build services for works agreed under S106 – see Annex 3 for details of this provision. Provision of scheme costs. <p>NOT IN SCOPE</p> <ul style="list-style-type: none"> Negotiation of agreements with developers
Transport Development Control Support	<p>To be commissioned as service demands arise in support of the highway function of the Council to respond to planning applications and provide technical support.</p> <p>IN SCOPE</p> <ul style="list-style-type: none"> Development Control: Technical advice to HC’s Planning Team on planning applications. <p>NOT IN SCOPE</p> <ul style="list-style-type: none"> To be considered on a case by case basis as service demands may arise

RISK MANAGEMENT

High level risks will be managed through the Partnership risk management process and listed on the partnership risk register.

	KEY RISK	CAUSE	CONSEQUENCE	MITIGATION
Strategic Risks	Mis-alignment of HC and community objectives around S106 spend	Poor stakeholder management	Dissatisfaction among community and members resulting in reputational impact	Engagement with communities and 3 rd parties and development of local community enhancement plans. Cabinet member approval of all significant S106 schemes in line with HC Governance procedures
	Financial overspend on S106 monies	Poor project planning	Inability to deliver project. Financial cost to Council/Contract	Stagegate process to ensure track of scheme against budget. Early scheme costing to balance scope against budget
	S106 monies not used in accordance with Heads of Terms	Misinterpretation of HoT	Legal risk of challenge from developers	Ensure early understanding of scheme and alignment with S106 officer review
	Co-ordination of scheme delivery	Poor planning/ communication	Repeated works in one location, inefficient delivery, missed opportunity for combined schemes	Provide greater foresight of future possible funding. Information sharing across discipline teams on upcoming projects.

PART 2

ORGANISATION

ROLES AND RESPONSIBILITIES

Job Role	Responsibility
Design and Build Manager	Provide strategic direction for the design team
Project Management Team Leader	Responsible for allocating works to Senior Project Manager and managing resource availability for delivery of commissioned works.
Senior to Assistant Project Managers	Manage all aspects of commissioned projects including but not limited to programme, cost, risk, health and safety and quality.

KEY DELIVERY INTERFACES

	Who are the dependencies	What is their role
Public Realm BBLP Partnership	Network Manager	Understanding scheme timetables/programmes and arranging TROs
	Programme Manager	Two-way flow of information to identify programme efficiencies.
	NRSWA Team	Information regarding Public Utility works (see Annex 9) and programming of works related to road closure
	Customer Liaison Manager	Communication of road closures, advice on stakeholder engagement activities
	Performance & Improvement Manager	Ongoing feedback/ review of service performance
	Asset Management Team Leader	Registration of the asset
Herefordshire Council	Cabinet Member	Secure decisions to proceed with scheme
	Local Members	Raise awareness of scheme development
	HC Development Control	Liaise regarding Highway Development issues
	HC Legal Services	Promotion/ratification of TROs
	HC Contact Centre	Provision of Scheme information for handling customer enquiries
	HC Tourism team	Programming of works involving tourist attractions / routes
	HC Parking Services	Enforcement of TROs
External Organisations	Statutory Undertakers	Noticing and agreement of temporary works and diversions, location and information on services
	Local Businesses (including schools and hospitals)/Chambers of Commerce/Transport Operators	Minimising impact on business activities
	Land Owners	Minimising impact on activities and use of land for schemes (temporary or permanent)
	Special interest groups (accessibility groups, cycling etc.),	Consultation on scheme proposals
	Neighbouring local authorities	Coordinating cross boundary works
	Bus Companies, Transport Operators	Consultation on temporary impact on operations
	Highways England and agents	Coordination with trunk road works in the County
	Police and other Emergency Services	Consultation on TRO's

FOUR YEAR PLAN

INNOVATION AND CONTINUOUS IMPROVEMENT

Identify opportunities for innovation and continuous development within the annex.

FOUR YEAR PLAN

2020/21

- Round table review to identify opportunities to develop service
- Information sharing on project works – coordination across annexes to maximise impact of delivered schemes

2021/22

- Engagement with developer and third party stakeholders
- Scheme opportunity database
- Staff development to provide greater supervision cover

APPENDICES

APPENDIX A: POLICY & PROCESSES

PROCESSES



S38 Process



S278 Process

S106 Commissioning
process.doc

APPENDIX B: REFERENCE DOCUMENTS

LEGISLATIVE DOCUMENTATION

- Planning Advisory Service – Guides and codes of practice
 - Investing in our place - self assessment tool
 - Infrastructure Delivery Plans
- Highways Act 1980 and subsequent revisions and additions
- Town and Country Planning Act 1990 (including subsequent revisions/additions)
- Manual for Streets & Manual for Streets 2
- The Traffic Signs Regulations & General Directions 2016 (including subsequent revisions)
- Design Manual for Roads and Bridges (DMRB)
- CIRIA SUDs Manual

HEREFORDSHIRE COUNCIL DOCUMENTATION

- Herefordshire Council's Design Guide & Specification for New Developments
- Herefordshire Council's Lighting Design Guide
- Herefordshire Council's Process Guidance Notes (ref. Appendices)

APPENDIX C: DEFINITIONS

Definitions relating to the annexe

BBLP	Balfour Beatty Living Places
CDM	Construction Design & Management
CIRIA	Construction Industry Research and Information Association
DMRB	Design Manual for Roads and Bridges
HC	Herefordshire Council
KPI	Key Performance Indicator
OPI	Operational Performance Indicator
RSA	Road Safety Audit
TRO	Traffic Regulation Order
SUDS	Sustainable Urban Drainage Systems

APPENDIX D: PROGRAMME OF WORKS

S106 Scheme and Planning Ref
CW062757/O Land at Holmer Road (Bridge) CW062757/O Land at Holmer Road (Trans and Movement) 130426/F & 132613/F & 132998/F Attwood Lane (Pomona Works) S101977/F - Land to the north of Roman Road, Holmer
P141917/F Land west of Patrick Orchard, Canon Pyon P131885/F Land at Plough Inn, Valentine Court, Canon Pyon
P141526/O & P150555/RM England's Gate, Bodenham
NW071199/F Maesydari, Kington
P162166/O Land to the south of Martindale Kingsland
DCSW2005/0720/F - Whitehouse Farm, Kingstone (footpaths) 173522 Land South of the B4349 and West of the C1221 Kingstone
P151937/O Newlands, Stoke Lacy
143720 – Land South of A438 Bartestree – Crest 140757 – Land East of Church House, Bartestree – Keepmoat 140531 – Cotts Lane, Lugwardine - Bell
P150067/O Vine Tree Close, Withington P151150/F South Bank, Withington DCCE2007/1825/F Withies Road, Withington
151316 – Pyefinch, Burghill
163963 – Gadbridge Road, Weobley
P141526/O & P151360/RM Land at Hampton Dene Road, Hereford
DCNC2009/0836/F Morrisons Barons Cross Leominster
DCNC2005/2718/F - Old Road Bromyard P140285/O Porthouse Farm, Bromyard
P150888/O Land to the west of A40 Weston-under-Penyard Herefordshire HR9 7PA
172919 Land to the West of Church House Farm Moreton On Lugg Herefordshire
150473 Land South of the Wheatsheaf Inn Fromes Hill Ledbury Herefordshire
150812/O Land off Westcroft Leominster Herefordshire HR6 8HG
142349 Land between Gosmore Road and The Seven Stars PH Gosmore Road Clehonger
P140665/F Elmsfield, Laundry Lane, Leominster DCNC2007/0044F Middlemarsh B4361, Leominster DMNC/091583/F Primrose Travel Etnam Street Leominster DCNC0009/1178/F Land at rear of the Nook Etnam Street Leominster
130613/F Ellenscroft, New Street, Ledbury NE091510/F , Land at New Mills Estate, Kingsmead, Ledbury
P130336/F Tanyard Lane, Ross on Wye S110216/F Penrice Walford Road Ross on Wye DCSE2007/2556/F Aldi, Brookend Street, Ross on Wye DCSE2007/2556/F Aldi, Brookend Street, Ross on Wye (upgrade to Council Car Park) P130555/F Land at the Chasedale Hotel Walford Rd Ross on Wye 132372/F Henry Street, Ross on Wye S111295/F & DMSE/100439/F Green Orchard, Ryefield Rd, Ross on Wye

Site Supervision

Sites mid build (as of 22/01/20) (53 no. of)

Ref	Site Name	Location
S278/0066	A40 Major Works	Ross
S278/0076	Off Leadon Way	Ledbury
S278/0077	Right Turn - Church House Development	Bartestree
S278/0078	Holmer West	Holmer
S278/0081	Cycletrack, Straight Mile	Rotherwas
S278/0085	Porthouse Farm	Bromyard
S278/0086	Colwall Primary School Relocation	Colwall
S278/0089	Coopers Hall - Footway	Cusop
S278/0095	Footway Adj To Seven Stars	Cleghonger
S278/0097	Thai Restaurant Footpath And Bellmouth	Colwall
S278/0098	Footway & Signals Works B4222	Lea
S278/0100	Footway Alterations Friar Street	Hereford
S278/0101	Puffin Crossing A438	Bartestree
S278/0106	Bellmouth, Church House Fm	Moreton
S278/0107	Cycleway Bath Street Offices	Hereford
S278/0111	Ext To Straight Mile Cycleway	Rotherwas
S38/1924	Roman Road - Phase 1	Hereford
S38/1943	Roman Road - Phase 3 & 4	Hereford
S38/1953	The Oval - Phase 2	Hereford
S38/1956	Willowcroft	Sutton St. Nicholas
S38/1960	Roman Road Phases 5 & 6	Hereford
S38/1963	The Oval - Phase 3&5	Hereford
S38/1969	The Furlongs Extension	Hereford
S38/1972	Footway & Bellmouth	Withington
S38/1973	The Oval - Phase 6	Hereford
S38/1974	Pyefinch Meadows	Burghill
S38/1975	Opp Patrick Orchard	Canon Pyon
S38/1977	Baggally Street	Hereford
S38/1978	The Oval - Phase 4	Hereford
S38/1980	Off Hunderton Avenue	Hereford
S38/1986	Former Bt Exchange	Pontrilas
S38/1988	Quarry Fields	Lugwardine
S38/1990	Adj Penyard Gardens	Weston Under Penyard
S38/1991	Mill Lane	Lea
S38/1992	Gadbridge Road	Weobley
S38/1993	Holmer West - Phase 1	Holmer
S38/1995	Off Westcroft	Leominster
S38/1996	Off Traherne Close	Lugwardine
S38/1997	Off Leadon Way	Ledbury
S38/2000	Newlands	Stoke Lacy
S38/2001	Vine Tree Close	Withington
S38/2002	Off B4222	Lea

Ref	Site Name	Location
S38/2003	South Of A438	Bartestree
S38/2005	Greens Farm	Lyonshall
S38/2006	Adj To Lowfield Cottage	Kingstone
S38/2007	Holmer West Link Road	Hereford
S38/2009	Martindale	Kingsland
S38/2017	Holmer West Ph 2	Holmer
S38/2018	Whitestone Chapel	Withington
S38/2019	Lea Hall	Lea
S38/2022	Church House Farm	Moreton On Lugg
S38/2023	Adj To Wheatsheaf Inn	Fromes Hill
S38/2025	Off Pixiefields	Cradley

Sites Built Out But Not Yet Adopted (as of 22/01/20) (21 no. of)

Ref	Site Name	Location
S278/0034	Roman Road	Hereford
S278/0054	Westons Cider	Much Marcle
S278/0072	Zebra Overross Street	Ross
S278/0087	Access, The Ship	Hereford
S278/0090	Bellmouth	Kingstone
S278/0093	Tupsley Pitch	Hereford
S278/0096	Sugwas Farm Improvements	Swainshill
S278/0099	Passing Places And Widening	Bockleton
S278/0104	Footway At East Street	Hereford
S38/1804	Enterprise Park	Leominster
S38/1914	Adj To The Birches	Shobdon
S38/1916	Tanyard Lane	Ross-On-Wye
S38/1919	Off Mulberry Close	Hereford
S38/1942	Paradise Farm	Marden
S38/1948	The Oval Redevelopment Phase 1	Hereford
S38/1958	Brookmill Close	Colwall
S38/1962	Laundry Lane	Leominster
S38/1970	Opp Englands Gate	Bodenham
S38/1985	Rose Villa	Marden
S38/2004	Off Boarsfield	Kingsland
S38/2012	Footway Catherine Street	Hereford

Sites Which May Progress in the Next Financial Year (31 No. of)

Ref	Site Name	Location
S278	Cattle Underpass	St Weonards
S278/	New Roundabout On Rotherwas Access Road	Hereford
S278/0082	Passing Place	Dilwyn Common
S278/0091	Cattle Grids	Welsh Bicknor
S278/0102	Ford Regrading	Dorstone
S278/0105	Right Turn Lane Model Fm	Ross
S278/0108	Footway, Ryelands St	Hereford
S278/0109	Footway, Kirbys Yard	Whitchurch
S278/0110	Volunteer Inn	Marden
S278/0112	Chevenham Close Alterations	Colwall
S278/0113	Waterworks Lane Footway	Leominster
S278/0114	Royal George Footway	Lyonsshall
S278/0115	Central Park Footway	Kingstone
S278/0116	Joseph Ash Site Footway	Hereford
S278/0117	Roundabout And Toucan, Barons Cross	Leominster
S278/0118	Footway The Lakes	Stretton Sugwas
S278/0119	Alterations To Beattie Avenue	Hereford
S278/38	Hildersley Farm	Hildersley
S38	Fownhope N Of Village	Fownhope
S38	Ross Enterprise Park	Ross
S38	Land Off Rotherwas Access Road	Hereford
S38/1984	Land East Of A49	Holmer
S38/2008	Hereford Medical Centre	Hereford
S38/2010	Stockton Cross	Kimbolton
S38/2011	Holme Marsh	Lyonsshall
S38/2013	Greens Farm - Ph2	Lyonsshall
S38/2015	The Pavillion	Bromyard
S38/2024	Yew Tree Close	Whitchurch
S38/2026	Faraday House	Madley
S38/278	New Rugby Club Site	Hereford
S38/278	Full Pitcher Dev With Roundabout Works	Ledbury